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Dated: 2/9/06 Signature: Valerie J. Sarosky
(Valerie J. Sarosky)

20

Docket No.: BIDM-P01-014
(PATENT)

1654

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
John V. Frangioni

Application No.: 10/521066

Confirmation No.: 6848

Filed: January 11, 2005

Art Unit: N/A

For: CONJUGATED INFRARED
FLUORESCENT SUBSTANCES FOR
DETECTION OF CELL DEATH

Examiner: Not Yet Assigned

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SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (SIDS)

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Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Supplemental Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

A summary/abstract translation of non-English language references BB and BC are enclosed.

Copies of two International Search Reports are enclosed.

Applicant submits herewith copies of foreign and non-patent references in accordance with 37 CFR 1.98(a)(2).

In accordance with 37 CFR 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Supplemental Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

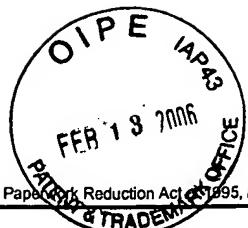
It is submitted that the Supplemental Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. BIDM-P01-014.

Dated: February 9, 2006

Respectfully submitted,

By Maya Escobar
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PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO				Complete If Known	
				Application Number	10/521066
				Filing Date	January 11, 2005
				First Named Inventor	John V. Frangioni
				Art Unit	N/A
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	BIDM-P01-014

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U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number-Kind Code ⁴ (if known)			
	BB	WO-00/35490-A2	06-22-2000	Busch, et al.	
	BC	JP-55 007245 A	01-19-1980	Dai Ichi Seiyaku Co. Ltd.	
	BD	WO-96/17628	06-13-1996	Institut Fur Diagnostikforschung GmbH an Der Freien Universitat Berlin	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T ²
	CA	Gandorfer et al., "Retinal Damage from Indocyanine Green in Experimental Macular Surgery," <i>Investigative Ophthalmology & Visual Science</i> , 44(1):316-323 (2003).			
	CB	Parungo et al., "In Vivo Optical Imaging of Pleural Space Drainage to Lymph Nodes of Prognostic Significance," <i>Annals of Surgical Oncology</i> , 11(12):1085-1092 (2004).			
	CC	Zaheer et al., "IRDye 78 Conjugates for Near-Infrared Fluorescence Imaging," <i>Molecular Imaging</i> , 1(4):354-364 (2002).			

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Examiner Signature		Date Considered	
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PTO/SB/92 (09-04)

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Application No. (if known): 10/521066

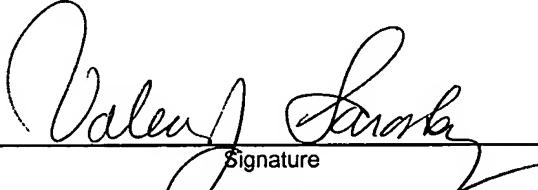
Attorney Docket No.: BIDM-P01-014

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Valerie J. Sarosky

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Registration Number, if applicable

(617) 854-2087

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Form PTO/SB/08a/b with Certificate of Mailing (2 pages)
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Copy of Partial International Search Report (3 pages)
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1. The present communication is an Annex to the invitation to pay additional fees (Form PCT/ISA/206). It shows the results of the international search established on the parts of the international application which relate to the invention first mentioned in claims Nos.:

see 'Invitation to pay additional fees'
2. This communication is not the international search report which will be established according to Article 18 and Rule 43.
3. If the applicant does not pay any additional search fees, the information appearing in this communication will be considered as the result of the international search and will be included as such in the international search report.
4. If the applicant pays additional fees, the international search report will contain both the information appearing in this communication and the results of the international search on other parts of the international application for which such fees will have been paid.

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00/35490 A (BUSCH, CHRISTER) 22 June 2000 (2000-06-22) claims 1,4,7,10 -----	1,5,7,17
Y	PATENT ABSTRACTS OF JAPAN vol. 004, no. 034 (C-003), 22 March 1980 (1980-03-22) & JP 55 007245 A (DAI ICHI SEIYAKU CO LTD), 19 January 1980 (1980-01-19) abstract -----	1,4-17
Y	WO 96/17628 A (INSTITUT FUER DIAGNOSTIKFORSCHUNG GMBH AN DER FREIE; LICHA, KAI; RIEFK) 13 June 1996 (1996-06-13) page 9; claim 7 -----	1,4-17
Y	ZAHEER A ET AL: "IRDYE78 CONJUGATES FOR NEAR-INFRARED FLUORESCENCE IMAGING" MOLECULAR IMAGING, MIT PRESS, US, vol. 1, no. 4, October 2002 (2002-10), pages 354-364, XP008029547 ISSN: 1535-3508 page 364; figure 3 abstract ----- -/-	1,4-17

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
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X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

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Annex - Form PCT/ISA/206
 COMMUNICATION RELATING TO THE RESULTS
 OF THE PARTIAL INTERNATIONAL SEARCH

International Application No
 PCT/US2004/038682

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	GANDORFER A ET AL: "Retinal damage from indocyanine green in experimental macular surgery" INVESTIGATIVE OPHTHALMOLOGY & VISUAL SCIENCE, ASSOCIATION FOR RESEARCH IN VISION AND, US, vol. 44, no. 1, January 2003 (2003-01), pages 316-323, XP002989964 ISSN: 0146-0404 abstract -----	1, 4-17
P, X	PARUNGO C. P. ET AL: "In vivo optical imaging of pleural space drainage to lymph nodes of prognostic significance" ANNALS OF SURGICAL ONCOLOGY, vol. 11, no. 12, 2004, pages 1085-1092, XP008053242 abstract; figure 1 page 1091 - page 1092 -----	1, 4-7, 10-14, 16, 17

Patent Family Annex
Information on patent family members

International Application No
PCT/US2004/038682

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 0035490	A	22-06-2000	AU	2282400 A	03-07-2000
JP 55007245	A	19-01-1980	JP	1434195 C	07-04-1988
			JP	62042892 B	10-09-1987
WO 9617628	A	13-06-1996	AT	285254 T	15-01-2005
			AT	238071 T	15-05-2003
			AU	709152 B2	19-08-1999
			AU	3740995 A	26-06-1996
			CA	2205906 A1	13-06-1996
			CN	1174511 A	25-02-1998
			DE	4445065 A1	13-06-1996
			DK	796111 T3	11-08-2003
			EP	0796111 A1	24-09-1997
			ES	2236131 T3	16-07-2005
			ES	2198446 T3	01-02-2004
			HU	77378 A2	28-04-1998
			JP	10510250 T	06-10-1998
			JP	2002012782 A	15-01-2002
			NO	972509 A	02-06-1997
			NZ	294568 A	30-08-1999
			PT	1181940 T	29-04-2005
			PT	796111 T	30-09-2003
			US	6258340 B1	10-07-2001
			US	6083485 A	04-07-2000
			ZA	9509707 A	29-05-1996

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2004/038682

A. CLASSIFICATION OF SUBJECT MATTER
A61K49/00 A61K47/48

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ, WPI Data, BIOSIS, CHEM ABS Data, EMBASE

C. DOCUMENTS CONSIDERED TO BE RELEVANT

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"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

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Date of the actual completion of the international search

Date of mailing of the international search report

3 October 2005

- 9. 01. 2006

Name and mailing address of the ISA

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Gonzalez Ramon, N

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	<p>ZAHEER A ET AL: "IRDYE78 CONJUGATES FOR NEAR-INFRARED FLUORESCENCE IMAGING". MOLECULAR IMAGING, MIT PRESS, US, vol. 1, no. 4, October 2002 (2002-10), pages 354-364, XP008029547 ISSN: 1535-3508 page 364; figure 3 abstract</p> <p>-----</p>	1,4-17
Y	<p>GANDORFER A ET AL: "Retinal damage from indocyanine green in experimental macular surgery". INVESTIGATIVE OPHTHALMOLOGY & VISUAL SCIENCE, ASSOCIATION FOR RESEARCH IN VISION AND, US, vol. 44, no. 1, January 2003 (2003-01), pages 316-323, XP002989964 ISSN: 0146-0404 abstract</p> <p>-----</p>	1,4-17
P,X	<p>PARUNGO C. P. ET AL: "In vivo optical imaging of pleural space drainage to lymph nodes of prognostic significance". ANNALS OF SURGICAL ONCOLOGY, vol. 11, no. 12, 2004, pages 1085-1092, XP008053242 abstract; figure 1 page 1091 - page 1092</p> <p>-----</p>	1,4-7, 10-14, 16,17

INTERNATIONAL SEARCH

Information on patent family members

International Application No

PCT/US2004/038682

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			JP	62042892 B		10-09-1987
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WO 9617628	A	13-06-1996	AT	285254 T		15-01-2005
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			AU	709152 B2		19-08-1999
			AU	3740995 A		26-06-1996
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			JP	10510250 T		06-10-1998
			JP	2002012782 A		15-01-2002
			JP	2005232190 A		02-09-2005
			NO	972509 A		02-06-1997
			NZ	294568 A		30-08-1999
			PT	1181940 T		29-04-2005
			PT	796111 T		30-09-2003
			US	6258340 B1		10-07-2001
			US	6083485 A		04-07-2000
			ZA	9509707 A		29-05-1996
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